

SAS:gte 10/15/03 4239-61854 227228

PATENT  
Attorney Reference Number 4239-61854

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Pastan et al.

**Application No.** 10/031,158

**Filed:** January 11, 2002

**Confirmation No.** 8170

**For:** T-CELL RECEPTOR Y ALTERNATE  
READING FRAME PROTEIN, (TARP)  
AND USES THEREOF

**Examiner:** To be assigned

**Art Unit:** To be assigned

**Attorney Reference No.** 4239-61854

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PCT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below:

Agent  
for Applicant(s)

Date Mailed October 15, 2003

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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Applicants received the attached Notification of Missing Requirements, dated August 18, 2003, for the above-referenced application. The Notification of Missing Requirements states that the Combined Declaration and Power of Attorney filed with the application on January 11, 2002 does not comply with 37 CFR 1.497 (a) and (b) in that there is an inventor on the declaration that is not identified on any other papers.

Enclosed is a copy of Form PCT/IB/306 (Notification of the Recording of Change), dated April 9, 2002, from parent International Application No. PCT/US00/19039. Form PCT/IB/306 confirms that Ulrich Brinkmann has been recorded as an inventor on the application. Also enclosed is a Letter Regarding Additional Inventor and an Assent of Assignee, which states that the Combined Declaration and Power of Attorney was signed by each of the true inventors. The letter documents that Dr. Brinkmann is correctly identified as an inventor of the above-referenced application, and correctly signed the Combined Declaration and Power of Attorney, which was submitted to the U.S. Patent and Trademark Office (PTO) on January 11, 2002. For the

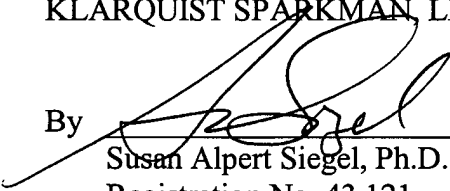
convenience of the U.S. PTO, an additional copy of the Combined Declaration and Power of Attorney is also enclosed.

Applicants submit that the Combined Declaration and Power of Attorney does comply with 37 CFR 1.497 (a) and (b). Please issue a filing receipt for this application. If any minor matters remain to be discussed prior to examination, please contact the undersigned at the telephone number listed below

Respectfully submitted,

KLARQUIST SPARKMAN LLP

By



Susan Alpert Siegel, Ph.D.  
Registration No. 43,121

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121 S.W. Salmon Street  
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SAS:gte 10/15/03 4239-61854 227225

PATENT  
Attorney Reference Number 4239-61854

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pastan et al.

Application No. 10/031,158

Filed: January 11, 2002

Confirmation No. 8170

For: T-CELL RECEPTOR Y ALTERNATE  
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Examiner: To be assigned

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for Applicant(s)

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ALEXANDRIA, VA 22313-1450

MISSING REQUIREMENTS TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Copy of Notification of Missing Requirements under 35 U.S.C. § 371
  - ☒ Response to Notification of Missing Requirements
  - ☒ Copy of Form PCT/IB/306 (Notification of the Recording of a Change) from International Application No. PCT/US00/19039
  - ☒ Letter Regarding Additional Inventor
  - ☒ Assent of Assignee Form
  - ☒ Copy of Combined Declaration and Power of Attorney (11 pages)
  - ☒ A check in amount of \$130.00 for payment of surcharge, if required.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Susan Alpert Siegel, Ph.D.

Registration No. 01421217

Adjustment date: 10/31/2003 CBURT1

10/22/2003 SNAJARRO 00000113 10031158

01 FC:1617

130.00 OP

Repln. Ref: 10/31/2003 CBURT1 0018331800

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cc: Docketing



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

NIH/SAS/NMS

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,158	Ira Pastan	4239-61854

24197  
KLARQUIST SPARKMAN, LLP  
121 SW SALMON STREET  
SUITE 1600  
PORTLAND, OR 97204

DOCKETED FOR:

10/18/03  
3/18/04  
COMPUTER ☒  
CARD ☒  
BOOK ☒  
DRAWER ☒  
BKPR ☒  
ANN. SVE ☒

INTERNATIONAL APPLICATION NO.

PCT/US00/19039

I.A. FILING DATE

07/12/2000

PRIORITY DATE

07/13/1999

CONFIRMATION NO. 8170

371 FORMALITIES LETTER



\*OC000000010704178\*

Date Mailed: 08/18/2003

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/11/2002
- Copy of the International Search Report filed on 01/11/2002
- Copy of IPE Report filed on 01/11/2002
- Preliminary Amendments filed on 01/11/2002
- Information Disclosure Statements filed on 01/11/2002
- Biochemical Sequence Diskette filed on 01/11/2002
- Oath or Declaration filed on 01/11/2002
- Biochemical Sequence Listing filed on 01/11/2002
- Request for Immediate Examination filed on 01/11/2002
- U.S. Basic National Fees filed on 01/11/2002
- Assignee Statement filed on 01/11/2002

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - There is an inventor on the declaration that is not identified on any other papers.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

M

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,158	PCT/US00/19039	4239-61854

10/031158

SAS:gte 10/15/03 227253  
PATENT

Attorney Reference Number 4239-61854  
Application Number 10/031,158

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Pastan et al.**Application No.** 10/031,158**Filed:** January 11, 2002**Confirmation No.** 8170**For:** T-CELL RECEPTOR Y ALTERNATE  
READING FRAME PROTEIN, (TARP)  
AND USES THEREOF**Examiner:** To be assigned**Art Unit:** To be assigned**Attorney Reference No.** 4239-61854

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Agent  
for Applicant(s)

Date Mailed October 15, 2003

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ALEXANDRIA, VA 22313-1450

## LETTER REGARDING ADDITIONAL INVENTOR

1. Ulrich Brinkmann was not listed as an inventor when PCT Application No. PCT/US00/19039 was filed. However, this inventor was erroneously omitted from the list of inventors, without any deceptive intention on his part. Dr. Brinkman was subsequently added as an inventor to this PCT Application (see the attached Copy of Form PCT/IB/306: Notice of Recording of a Change).

2. Upon entry into national phase, the first filed declaration included was executed by Ulrich Brinkmann, in addition to the other inventors (a copy of the declaration is attached as Exhibit A). Thus, the first-filed declaration submitted in the above-referenced application correctly identifies all the inventors of the above-referenced application. In support of this assertion attached is a written assent of the Assignee (attached as Exhibit B), which states that Ulrich Brinkman should be included as an inventor. The inventive entity was not identified in error on the executed declaration.

3. Applicants believe that there is no requirement to correct inventorship pursuant to 35 U.S.C. § 116, and submit that no petition under 37 C.R.R. § 1.48 is required. In addition, Applicants submit that no surcharge is required for late submission of the Oath or Declaration later than thirty months from the priority. However, as the U.S. Patent Office has indicated that the \$130 fee is due, a check for this amount is submitted herewith. The Director is hereby requested to credit any overpayment (or to charge any additional fees) or to Deposit Account No. 02-4550.


**Conclusion**

If any minor matters remain to be discussed regarding the identification of the inventors of above-referenced application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
\_\_\_\_\_  
Susan Alpert Siegel, Ph.D.  
Registration No. 43,121

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
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10/14/03 TUE 11:59 FAX 228 9446

KLARQUIST SPARKMAN

002

SAS:gte 10/14/03 227255  
PATENTAttorney Reference Number 4239-61854  
Application Number 10/031,158

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pastan et al.

Application No. 10/031,158

Filed: January 11, 2002

Confirmation No. 8170

For: T-CELL RECEPTOR Y ALTERNATE  
READING FRAME PROTEIN, (TARP)  
AND USES THEREOF

Examiner: To be assigned

Art Unit: To be assigned

Attorney Reference No. 4239-61854

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Agent  
for Applicant(s)  
10/15/03

Date Mailed

October 15, 2003

## ASSENT OF ASSIGNEE TO ADDITION OF ULRICH BRINKMANN AS INVENTOR

The above-referenced application is assigned to:

**THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS  
REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

A first Assignment from inventor Magnus Essan was recorded in the U.S. Patent and Trademark Office records on January 11, 2002, on Reel 012807, Frames 0959-0962. A second Assignment from the added inventor, Ulrich Brinkmann, was recorded in the U.S. Patent and Trademark Office records on January 11, 2002, on Reel 012808, Frames 0010-0012. A third assignment from inventors Pastan, Essan, Leo, Vasmatazis and Wolfgang was recorded in the U.S. Patent and Trademark Office records on January 11, 2002, on Reel 012815, Frames 0001-0005.



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KLARQUIST SPARKMAN

003

SAS:gtc 10/14/03 227255  
PATENTAttorney Reference Number 4239-61854  
Application Number 10/031,158

The undersigned has the authority to act in United States patent applications in which the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services is an assignee.

Assignee hereby assents to the correction of inventorship filed herewith, adding Ulrich Brinkmann as an inventor of the above-referenced application.

Executed on Oct. 15, 2003, at Rockville, Maryland.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

Richard U. Rodriguez  
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Reg. No.: 45,980  
National Institutes of Health  
Office of Technology Transfer  
6011 Executive Boulevard, Suite #325  
Rockville, MD 20852